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PTO/SB/21 (02-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/765,430
Filing Date	January 26, 2004
First Named Inventor	Guillermo J. Tearney
Art Unit	3737
Examiner Name	To be assigned
Attorney Docket Number	036140/US - 475387-20

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input checked="" type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/
Incomplete Application
<input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication
to Technology Center (TC)
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please
Identify below):
Form PTO-1449 with two references and Return Receipt
Postcard |
|--|--|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DORSEY & WHITNEY, LLP Gary Abelev, Esq. (Reg No. 40,479)
Signature	
Date	July 20, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Gary Abelev, Esq.		
Signature		Date	July 20, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Effective on 12/08/04

FEE TRANSMITTAL SHEET (FY 2005)

☒ Applicant claims small entity status (see 37 C.F.R. 1.27)

Atty. Docket Number 036140/US - 475387-20

METHOD OF PAYMENT (Check One)

☒ Check ☐ Credit Card ☐ Money Order☒ Deposit Account No.: 50-2054

Deposit Account Name: DORSEY & WHITNEY LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17☒ Credit any overpayments☐ Other (please identify):

Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	-	=	x \$	= \$
Ind. 8	- 6	= 2	x \$ 100	= \$200
Multiple Dependent Claims			x \$	= \$
Subtotal (Extra Claims)				\$ 200

Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

☐ Petition Fee under 37 CFR 1.17(f) Fee \$400

- § 1.53(e) to accord a filing date.
 § 1.57(a) to accord a filing date.
 § 1.182 for decision on a question not provided for.
 § 1.183 to suspend the rules.
 § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.
 § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.

☐ Petition Fee under 37 CFR 1.17(g) Fee \$200

- § 1.12 for access to an assignment record.
 § 1.14 for access to an application.
 § 1.47 for filing by other than all inventors or person not the inventor.
 § 1.59 for expungement of information.
 § 1.103(a) to suspend action in an application.
 § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail.
 § 1.295 for review of refusal to publish a statutory invention registration.
 § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.
 § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.
 § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.
 § 1.956 for request for ext. of time in *ex parte* reexam. proceedings.
 § 5.12 for expedited handling of foreign filing license.
 § 5.15 for changing the scope of a license.
 § 1.5.25 for retroactive license.

☐ Petition Fee under 37 CFR 1.17(h) Fee \$130

- § 1.19(g) to request documents in a form other than provided in this part.
 § 1.84 for accepting color drawings or photographs.
 § 1.91 for entry of a model or exhibit.
 § 1.102(d) to make an application special.
 § 1.138(c) to expressly abandon an application to avoid publication.
 § 1.313 to withdraw an application from issue.
 § 1.314 to defer issuance of a patent.

Complete if Known

Application No. 10/765,430
 Filing Date January 26, 2004
 First Inventor Guillermo J. Tearney
 Group Art Unit 3737
 Examiner Name To be assigned

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	
180	180	Submission of IDS	
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
130	65	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	
130		Request for voluntary publication or republication	
500	250	Petition to Revive - unavoidable	
1,500	750	Petition to Revive - unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	

OTHER FEE
(specify)

Subtotal (Additional Fees)

Total Amount of Payment: \$

Submitted by:

CUSTOMER NUMBER
30873

DORSEY & WHITNEY LLP

250 Park Avenue
New York, NY 10177

Name: Gary Abelev, Esq.

Phone No.: 212-415-9371

Fax No.: 212-953-7201

Signature:

Reg. No.: 40,479

Date: July 20, 2005



[Docket No. 036140/US – 475387-00020]
PATENT

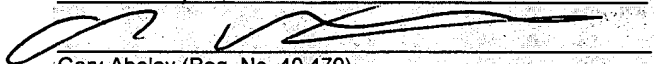
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Guillermo J. TEARNEY et al.
Serial No. : 10/765,430
Filed : January 26, 2004
For : SYSTEM AND METHOD FOR IDENTIFYING TISSUE USING
LOW-COHERENCE INTERFEROMETRY
Examiner : To be Assigned
Art Unit : 3737

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-
1450

July 20, 2005


Gary Abelev (Reg. No. 40,479)

PRELIMINARY AMENDMENT

SIR:

Kindly amend the above-identified application before examination as

follows:

IN THE CLAIMS:

Please cancel claims 8, 10, 32 and 37-39 without prejudice, as provided in
the claim listing below on separate sheets. In addition, please amend claims 1, 9, 11-13,
18, 23, 24, 29-31 and 33-35, and add new claims 40-43, as indicated in the claim listing
provided below on separate sheets.

07/25/2005 CCHAU1 00000109 10765430

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